S.B.Civil Second Appeal No.39/2006.

Mandir Shri Narsingh ji
vs.
Ramjeewan Das deceased through his LRs. & Ors.

Date : 14.3.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. ML Panwar, for the appellant.

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Heard.

The plaintiff/appellant is aggrieved against the concurrent finding of fact recorded by two courts below in judgments and decrees dated 23.10.1996 and 15.9.2005 by which the trial court dismissed the plaintiff's suit and the appellate court dismissed the regular first appeal of the plaintiff.

It appears from the plaint allegations itself that according to the plaintiff, the suit property is public trust and the plaintiff himself claimed that the patta of the said property was issued in the name of his Guru Bhagwan Das Pujari. The plaintiff also stated that he was performing sewapuja in the said temple. He also admitted that he was getting annuity from the Devasthan Department. It is alleged that the plaintiff was

dispossessed from the said temple during the pendency of the suit.

It appears that the defendant did not produce any evidence, still the trial court dismissed the plaintiff's suit.

From the reasons given in the two judgments, it is clear that the findings of fact have been recorded by the two courts below against the plaintiff.

So far as his right, if there is any over a public trust, then the remedy was by moving appropriate application before the appropriate authority under the Rajasthan Public Trust Act.

In view of the above, I do not find any substantial question of law involved in this appeal. Accordingly, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya